

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON  
PENDLETON DIVISION

**CHEYANNE KINLEY,**

Plaintiff,

v.

No. 2:20-cv-00937-SU

**RAY KLEIN, INC.,**

OPINION AND ORDER

Defendant.

**MOSMAN, J.,**

On May 7, 2021, Magistrate Judge Patricia Sullivan issued her Findings and Recommendation (F. & R.) [ECF 12]. Judge Sullivan recommended that I dismiss this case pursuant to Federal Rule of Civil Procedure 41(b) and Local Rule 41-2(a). No objections were filed. Upon review, I agree with Judge Sullivan and DISMISS this case with prejudice.

**DISCUSSION**

The magistrate judge makes only recommendations to the court, to which any party may file written objections. The court is not bound by the recommendations of the magistrate judge, but retains responsibility for making the final determination. The court is generally required to make a de novo determination regarding those portions of the report or specified findings or recommendation as to which an objection is made. 28 U.S.C. § 636(b)(1)(C). However, the court is not required to review, de novo or under any other standard, the factual or legal conclusions of

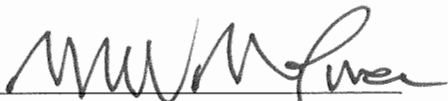
the magistrate judge as to those portions of the F. & R. to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). While the level of scrutiny under which I am required to review the F. & R. depends on whether or not objections have been filed, in either case, I am free to accept, reject, or modify any part of the F. & R. 28 U.S.C. § 636(b)(1)(C).

### CONCLUSION

Upon review, I agree with Judge Sullivan's findings and recommendation, and I ADOPT the F. & R. [ECF 12] as my own opinion. This case is DISMISSED with prejudice

IT IS SO ORDERED.

DATED this 24<sup>th</sup> day of June, 2021.

  
MICHAEL W. MOSMAN  
United States District Judge